

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NATHANIEL TRUJILLO,

Plaintiff,

v.

CV No. 17-53 MV/CG

CITY OF HOBBS, et al.,

Defendants.

ORDER GRANTING IN PART PLAINTIFF'S RULE 56(d) MOTION

THIS MATTER is before the Court on *Plaintiff's Motion, Pursuant to Federal Rule of Civil Procedure 56(d), For Limited Discovery*, (Doc. 51), filed September 13, 2017; *Defendants' Response to Plaintiff's Motion For Limited Discovery*, (Doc. 56), filed October 3, 2017; and *Plaintiff's Reply in Support of His Motion, Pursuant to Federal Rule of Civil Procedure 56(d), For Limited Discovery*, (Doc. 58), filed October 20, 2017. The Motion was referred to the undersigned on September 10, 2018. (Doc. 61). The Court, having considered the Motion, the briefing of the parties, and the remarks of counsel at a telephonic hearing held on September 24, 2018, finds that the Motion shall be **GRANTED IN PART**.

IT IS THEREFORE ORDERED that *Plaintiff's Motion, Pursuant to Federal Rule of Civil Procedure 56(d), For Limited Discovery*, (Doc. 51), is **GRANTED IN PART** as follows:

1. Plaintiff's request for the forensic testing and evidence gathered by the New Mexico State Police is **MOOT** based on the parties' representations at the September 24, 2018 hearing that this evidence has been produced in full;

2. Plaintiff's request to depose New Mexico State Police Agents Vargas, Massis, and Lucero is **DENIED**; and
3. Plaintiff's request to depose witnesses Kyle Laughrin and Adam McGranahan, New Mexico State Police Agent Newman, and City of Hobbs Police Officers Evans, Rojas, and Moen is **GRANTED**. Plaintiff shall depose these individuals **by December 31, 2018**, and the depositions of Officers Evans, Rojas, and Moen **shall be no longer than thirty (30) minutes each**.

IT IS FURTHER ORDERED that Plaintiff's response to *Defendants' Motion For Summary Judgment And Memorandum in Support*, (Doc. 35), is due by **January 18, 2019**. Defendants may file a reply to their motion for summary judgment by **February 1, 2019**.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE